

operations; agricultural-related essential industry and support services; uses related to natural resources; wineries; recreational uses; lodging; and residential uses, generally limited to housing for farm owners, family members, and farm laborers.

The project area is zoned Agricultural Preserve (A-P) and Agricultural Exclusive (A-E) under the Yolo County Zoning Code (Yolo County 2008a). The A-P zone provides uses on lands best suited for agricultural purposes. The minimum lot area for A-P zones is 80 acres and for A-E zones is 20 acres (Yolo County 2008b).

A Habitat Conservation Plan (HCP) has been in development in Yolo County since 1991. In 2001, the participating jurisdictions agreed with a request from the California Department of Fish and Game (DFG) to extend the planning process so that the HCP could be rewritten as a Natural Communities Conservation Plan (NCCP). The HCP/NCCP would provide strategies to conserve habitat for special-status plants and special-status wildlife species. The HCP/NCCP development and approval process is still underway.

## **AGRICULTURAL RESOURCES**

### **Agricultural Resources in the Study Area**

The Farmland Mapping and Monitoring Program (FMMP) was established in 1982 by the State of California to continue the Important Farmland mapping efforts begun in 1975 by the Soil Conservation Service (SCS). The intent of the SCS (renamed the U.S. Natural Resources Conservation Service [NRCS] in 1998) was to produce agricultural resource maps based on soil quality and land use across the nation. The DOC sponsors the FMMP and is also responsible for establishing agricultural easements in accordance with Public Resources Code Sections 10250–10255 (DOC 2008a).

The FMMP provides data for decision makers for use in planning for the current and future use of the State's agricultural lands. Under the FMMP, land is delineated into the following eight categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, Grazing Land, Urban or Built-Up Land, other Land, and Water. Mapping is conducted on a county-wide scale, with minimum mapping units of 10 acres unless otherwise specified.

The Important Farmland map for Yolo County designates the project area as Prime Farmland. Prime Farmland is defined under the FMMP as "... farmland with the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields." Land must have been cropped at some time during the 4 years before the mapping date to be included in these classifications (DOC 2008a).

### **Farmland Protection and Countywide Land Use Trends**

Since 1965, the State has encouraged landowners to protect agriculture and open space via the California Land Conservation Act of 1965, commonly referred to as the Williamson Act. Under this law, agricultural, recreational, and other related open space uses are protected with property tax incentives when the landowner enters into a restrictive use contract with the State. Counties benefit when they formally adopt the program as they are then able to claim Open Space Subvention Act Payments that partially replace property tax losses associated with Williamson Act enrollees. The DOC estimates that Williamson Act Contracts save agricultural landowners from 20 percent to 75 percent in property tax liability each year.

Yolo County administers the Williamson Act contracts within the study area. The program is intended to preserve farmland although a landowner could have other activities on the same land, including a permitted mining operation or processing operations for agricultural products. The annually renewing 10-year period clause in the contract automatically renews the contract each year. Either party to the contract may file a "notice of non-renewal," which ends the automatic renewal; however, the property will remain subject to the contract for the



remaining 9-year term of the contract. Outright cancellations and rescissions of the contracts, which can be initiated only by the landowner, are subject to specific legal findings supported by substantial evidence by the county or city involved. There has been only one instance of cancellation in Yolo County throughout the 39-year history of the Williamson Act (Yolo County 2005).

By State law, only land located in an agricultural preserve is eligible for a Williamson Act contract. In Yolo County, this agricultural preserve has the zoning designation A-P. In 2007, Yolo County had 415,913 acres enrolled in Williamson Act contracts. Of that, 243,040 acres are classified as Prime and 172,714 acres are non-prime soils (DOC 2008c).

Yolo County has approximately 270,403 acres of prime agricultural land (Capability Class I, II, and portions of III), which account for 48% of the total agricultural land in the County. Yolo County has the lowest loss of agricultural land compared to other counties in the State, and is second lowest to Kings County in percentage loss of Prime Farmland. Factors that contribute to these statistics in Yolo County include restrictive land use policies, the high amount of land enrolled in Williamson Act contracts, and the natural barrier formed by the Yolo Causeway.

Agricultural crops reports from 1963 to the present indicate that small grains such as barley and wheat and other field crops have been the County's primary agricultural crops. Although tomato processing was a large industry in the County in the past, recently there has been a sharp decline due to the closure of two large canneries. In 1999, total agricultural revenues in Yolo County amounted to \$339.9 million, up from \$276.6 million in 1998 and \$297.8 million in 1994. The leading crop was process tomatoes, at \$132.7 million, with approximately 67,000 acres in production. Other important crops included wine grapes, seed crops, rice, and alfalfa (Yolo County 2002c).

### **Consistency with Federal and State Farmland Protection Policies**

Loss of farmland is an important concern that is captured by the development of federal and State policies calling for protection of Prime, Unique, or Statewide Important Farmland. Under the Federal Farmland Protection Policy Act (FPPA) (Subtitle I of Title XI, Section 1539–1549), projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by, or with the assistance of, a federal agency. However, as the U.S. Department of Agriculture's Farmland and Conversion Impact Rating form advises, "The purpose of the rating process is to insure that the most valuable and viable farmlands are protected from development projects sponsored by the Federal Government ... Accordingly, a site with a large quantity of non-urban land surrounding it will receive a greater number of points for protection from development." The form advises that the Land Evaluation-Site Assessment System (LESA) "is used as a tool to help assess the options for land use on an evaluation of productivity weighed against commitment to urban development." (USDA Farmland Conversion Impact Rating Form AD-1006 [10-83].)

Under the California LESA model, the proposed project would not qualify as "Land Committed to Nonagricultural Use" as such land is designated as having received discretionary development approvals such as a tentative subdivision map, tentative or final parcel map, or recorded development agreement (DOC Agricultural LESA Model 1997 Instruction Manual [Manual]). In contrast, the proposed project falls within the California LESA model definition of "protected resource lands." The model defines protected resource lands as "those lands with long term use restrictions that are compatible with or supportive of agricultural uses of land. Included among them are the following: publicly owned lands maintained as park, forest, or watershed resources; and lands with agricultural, wildlife habitat, open space, or other natural resource easements that restrict the conversion of such land to urban or industrial uses." Because the proposed project concerns protected resource lands and not "Land Committed to Nonagricultural Use" by virtue of urban development, evaluation under the LESA Model was not deemed appropriate. Such a determination by a lead agency is consistent with CEQA Statutes Section 21095, which makes use of LESA an "optional methodology."



## DISCUSSION

### LAND USE

#### a) Physically divide an established community?

**No Impact.** Implementing the proposed project would not result in the physical division of an existing community. The project area and surrounding vicinity consist of agricultural land with scattered rural residences. The proposed project would construct setback levees that would be consistent with the surrounding farmland, and the proposed project would not create any barriers to community travel or communication. Because the project vicinity contains only a few scattered rural residences, implementation of the proposed project would not physically divide an established community. Therefore, there would be no impact on any existing communities.

#### b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**No Impact.** The only land use plan, policy, or regulation document applicable to the project area includes the Yolo County General Plan and Municipal Code. Because implementing the proposed project would not involve changing the underlying land uses in the project area, the proposed project would also not conflict with any land use policies or regulations of Yolo County. Therefore, there would be no impact related to conflicts with any applicable land use plan, policy, or regulation.

#### c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**No Impact.** The project area is within the boundaries of the proposed Yolo County HCP/NCCP, which is currently under development. The purpose of the HCP/NCCP will be to promote biological conservation in conjunction with economic and urban development in the plan area. The HCP/NCCP will describe the measures that local agencies will perform to conserve biological resources, obtain permits for urban growth and public infrastructure projects, and continue to maintain the rich agricultural heritage and productivity of the county. Implementation of the proposed project would not in any way conflict with the provisions or otherwise affect implementation of the HCP/NCCP. As the HCP/NCCP has not yet been adopted, and the proposed project appears consistent with the HCP/NCCP objectives to date, there would be no impact related to the proposed HCP/NCCP.

The proposed project would be in compliance with the land use plans applicable to the project area. The proposed project would not result in a conflict with existing or surrounding land uses, nor would it divide a community. The proposed project would not generate adverse conditions for the adjacent properties and would not diminish or prevent agricultural uses on adjacent lands. Therefore, the proposed project would have no impact on the overall existing land use and planning issues.

### AGRICULTURAL RESOURCES

#### a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**Less-than-Significant Impact.** The proposed project would use 8.37 acres total of Prime Farmland at LM 3.9L and LM 4.2L that would be taken out of production. These acreages include the footprint of the proposed setback levees, the areas between the proposed new levees and the existing levee, and an additional 20 feet on the landside



of the levees that could be used in the future to raise the setback levees. As such, the proposed project would change a portion of the project area's land uses from agricultural uses to non-agricultural uses.

Approximately 1.2 acres of agricultural land would be temporarily disturbed during construction of the setback levees to provide access and staging areas for construction vehicles. Impacts on agricultural land resulting from the staging area would be temporary, and would be returned to agricultural uses after completion of the proposed project.

Of the 390,252 acres of Important Farmland accounted for in Yolo County in 2006, the 8.37 acres of Important Farmland taken out of production for construction of the setback levees would represent a conversion of a small percentage (0.002%) of these lands to non-agricultural uses (DOC 2008d). Because a very small percentage of important farmland would be converted to achieve the beneficial purpose of protecting a substantially larger area of agricultural land (particularly an area of Important Farmland) from flooding and erosion, the net effect on agricultural resources would be less than significant.

**b) Conflict with existing zoning for agricultural use or a Williamson Act contract?**

**Less-than-Significant Impact.** Construction of the setback levees is consistent with historic flood control approaches in the project area. It has been determined, however, that the existing levees do not provide adequate flood protection for surrounding land, most of which is agricultural land. The purpose of the proposed setback levees is to improve flood protection of farmland, so it implements an objective that is supportive of and beneficial to continued agricultural use of the protected lands. If the setback levees are not constructed, a large amount of farmland and associated agricultural infrastructure and equipment would be at risk of substantial damage from flooding, in the event of a levee failure. Flood damage to this amount of farmland would be substantially detrimental to Yolo County agriculture. The proposed project would involve DWR acquiring 1.65 acres of land under a land conservation contract. Of the 244,578 acres of Prime Farmland enrolled in Williamson Act contracts in Yolo County, this 1.65 acres acquired by DWR for construction of the setback levees would represent a conversion of a small percentage (0.0007%) of these lands to non-agricultural uses. Recognizing the benefit of flood protection for all of the farmland to the north of Cache Creek, the trade-off of ceasing agricultural operations on 1.65 acres represents a less-than-significant commitment of agricultural land to achieve the objective of large-scale farmland flood protection. Conversion of this amount of farmland would not represent a significant impact individually or cumulatively to agricultural production at any scale (local or regional). Because a very small percentage of agricultural land would be converted to achieve the beneficial purpose of protecting a much larger area of agricultural land from flooding, the net effect on agricultural resources would be less than significant.

**c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

**Less-than-Significant Impact.** Because the setback levee at LM 3.9L would be placed approximately 215 feet from the existing levee, the setback levee at LM 4.2L would be placed approximately 90 feet from the existing levee along Cache Creek, and the relocated road would be setback approximately 100 feet north of the levee setback at LM 3.9L, it would not adversely affect the overall use of the area for agriculture. The proposed project would not stop or hinder the agricultural practices that occur on neighboring properties. Landowners directly affected by the project would be fully compensated for the portions of land needed for construction of the setback levees and relocated road. Any potential impacts to farming operations would also be fully mitigated including replacement of wells, maintaining access to fields, compensating landowners for any crop damage, and maintaining water distribution to fields. In addition, the proposed project would benefit neighboring farmed properties by providing additional flood protection.

The proposed project would not involve land development activities (i.e., residential subdivisions, or commercial or industrial land uses) that would directly or indirectly induce changes in the use of surrounding agricultural

land, such as the need for schools, public services, etc. The proposed project would not induce new residential, commercial, or industrial land development activities to occur in the future. Project facilities would be confined to the project area and no substantial new infrastructure would be required off-site. Therefore, impacts involving changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural uses, would be less than significant.



## AIR QUALITY

THRESHOLDS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. Air Quality.</b>				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This section includes a description of ambient air quality conditions, a summary of applicable regulations, and an analysis of potential short-term construction and long-term operational-source air quality impacts of the proposed project. Mitigation measures are recommended as necessary to reduce any potentially significant air quality impacts to a less-than-significant level.

## ENVIRONMENTAL SETTING

The project site is located in Yolo County near the town of Yolo at LM 3.9L and 4.2L, which is under the jurisdiction of the Yolo-Solano Air Quality Management District (YSAQMD). With respect to ozone, Yolo County is currently designated as a serious nonattainment area for the State 1-hour and national 8-hour standards (ARB 2006). Yolo County is also designated as a nonattainment area with respect to State PM<sub>10</sub> (i.e., respirable particulate matter with an aerodynamic diameter of 10 micrometers or less).

Criteria air pollutant concentrations are measured at two monitoring stations in Yolo County. The Woodland-Gibson Road station is the closest monitoring stations to the study area with recent data for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub> (i.e., respirable particulate matter with an aerodynamic diameter of 2.5 micrometers or less). In general, the ambient air quality measurements from these monitoring stations are representative of the air quality in the vicinity of the project site. Two, six, and one exceedance occurred at the monitoring station for 1-hour ozone from 2005 to 2007, respectively. Thirteen, 23, and five exceedances occurred at the monitoring station for 8-hour ozone from 2005 to 2007, respectively. One, six, and three exceedances occurred at the monitoring station for PM<sub>10</sub>



from 2005 to 2007, respectively. Zero exceedances occurred at the monitoring station for PM<sub>2.5</sub> from 2005 to 2007 (ARB 2007a).

According to Yolo County's emissions inventory, mobile sources are the largest contributor to the estimated annual average air pollutant levels of reactive organic gases (ROG), carbon monoxide (CO), nitrogens of oxide (NO<sub>x</sub>), and oxides of sulfur (SO<sub>x</sub>) accounting for approximately 53%, 85%, 80%, and 50%, respectively, of the total emissions. Area-wide sources account for approximately 88% and 63% of the County's PM<sub>10</sub> and PM<sub>2.5</sub> emissions, respectively (ARB 2007b).

All projects are subject to adopted YSAQMD rules and regulations in effect at the time of construction. Specific rules applicable to the construction of the proposed project may include, but are not limited to: Rules 2-1, 2-3, 2-5, 2-11, and 2-28.

YSAQMD in coordination with the air quality management districts and air pollution control districts of El Dorado, Placer, Solano, Sutter, and Sacramento Counties prepared and submitted the 1991 Air Quality Attainment Plan (AQAP) in compliance with the requirements set forth in the California Clean Air Act (CCAA), which specifically addressed the nonattainment status for ozone and, to a lesser extent, CO and PM<sub>10</sub>.

The CCAA also requires a triennial assessment of the extent of air quality improvements and emission reductions achieved through the use of control measures. As part of the assessment, the attainment plan must be reviewed and, if necessary, revised to correct for deficiencies in progress and to incorporate new data or projections. The requirement of the CCAA for a first triennial progress report and revision of the 1991 AQAP was fulfilled with the preparation and adoption of the 1994 *Ozone Attainment Plan* (OAP). The OAP stresses attainment of ozone standards and focuses on strategies for reducing emissions of ozone precursors (ROG and NO<sub>x</sub>). It promotes active public involvement, enforcement of compliance with YSAQMD rules and regulations, public education in both the public and private sectors, development and promotion of transportation and land-use programs designed to reduce vehicle miles traveled (VMT) within the region, and implementation of control measures for stationary and mobile sources. The OAP became part of the State implementation plan (SIP) in accordance with the requirements of the Clean Air Act amendments (CAAA) and amended the 1991 AQAP. However, at that time the region could not show that the national ozone (1-hour) standard would be met by 1999. In exchange for moving the deadline to 2005, the region accepted a designation of "severe nonattainment" coupled with additional emission requirements on stationary sources. Additional triennial reports were also prepared in 1997, 2000, 2003, and 2006 in compliance with the CCAA; these reports act as incremental updates.

Yolo County is also part of the Sacramento Federal Ozone Nonattainment Area (SFNA), which comprises all of Sacramento and Yolo Counties and portions of El Dorado, Placer, Sutter, and Solano Counties. As a nonattainment area, the region is also required to submit rate-of-progress milestone evaluations in accordance with the CAAA. Milestone reports were prepared for 1996, 1999, 2002, and most recently in 2006 for the 8-hour ozone standard. These milestone reports include compliance demonstrations that the requirements have been met for the SFNA. The AQAPs and reports present comprehensive strategies to reduce emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> from stationary, area, mobile, and indirect sources. Such strategies include the adoption of rules and regulations; enhancement of CEQA participation; implementation of a new and modified indirect-source review program; adoption of local air quality plans; and control measures for stationary, mobile, and indirect sources.

The Sacramento region was classified by the United States Environmental Protection Agency (EPA) as a "serious" nonattainment area on June 15, 2004, for the national 8-hour ozone standard with an attainment deadline of June 15, 2013. Emission reduction needs to achieve the air quality standard were identified using an air quality modeling analysis. An evaluation of proposed new control measures and associated ROG and NO<sub>x</sub> emission reductions concluded that no set of feasible controls were available to provide the needed emission reductions before the attainment deadline year. Given the magnitude of the shortfall in emission reductions, and the schedule for implementing new control measures, the earliest possible attainment demonstration year for the Sacramento region is determined to be the "severe" area deadline of 2019.



Section 181(b)(3) of the Clean Air Act (CAA) permits a State to request that EPA reclassify a nonattainment area to a higher classification and extend the time allowed for attainment. This process is appropriate for areas that must rely on longer-term strategies to achieve the emission reductions needed for attainment.

The board of director's for each of the five air districts (including YSAQMD) which comprise the SFNA requested that California Air Resources Board (ARB) submit a formal request for voluntary reclassification from a "serious" to a "severe" for the 8-hour ozone nonattainment area with an associated attainment deadline of June 15, 2019. ARB submitted that request on February 14, 2008.

On March 24, 2008, EPA published in the Federal Register a finding of Failure to Submit the 2011 Reasonable Further Progress Plan for the SFNA in the Federal Register. The Failure to Submit finding triggered sanctions clocks, which include:

- ▶ Offset sanctions: More stringent emission mitigation requirements for new and modified businesses, "major stationary sources" if a complete plan is not submitted within 18 months after EPA findings of failure to submit the plan.
- ▶ Federal Highway funding sanctions: Prohibiting transportation projects from receiving federal transportation funding if a complete plan is not submitted within 24 months after EPA findings.

The sanctions clocks will stop once the air districts (including YSAQMD) submit the 2011 Reasonable Further Progress Plan and EPA accepts the plan as complete. The Sacramento Regional Nonattainment Area 8-Hour Attainment Demonstration Plan is scheduled to be published by the end of 2008 (SMAQMD 2008).

## DISCUSSION

a, b, c) Conflict with or obstruct implementation of the applicable air quality plan?

**Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

**Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

## SHORT-TERM CONSTRUCTION EMISSIONS

**Less-than-Significant Impact.** Construction emissions are described as "short term" or temporary in duration and have the potential to represent a significant impact with respect to air quality, especially fugitive dust emissions (PM<sub>10</sub>). Fugitive dust emissions are primarily associated with site preparation and vary as a function of such parameters as soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles on-site and off-site. ROG and NO<sub>x</sub> emissions are primarily associated with gas and diesel equipment exhaust and the application of architectural coatings. With respect to the project, levee construction would result in the temporary generation of ROG, NO<sub>x</sub>, and PM<sub>10</sub> emissions from site preparation (e.g., excavation, grading, and clearing), material transport, and other miscellaneous activities. Approximately 52 11-mile round trips per day would be needed for the 45,000 cubic yards of borrow material necessary for construction. The material for the setback levees would be moved from the stockpile location on East Beamer Street. There would also be up to 43 additional truck trips associated with worker commute trips each day.

Short-term construction-generated emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> were modeled using the YSAQMD-recommended URBEMIS 2007, Version 9.2.4, computer program. Input parameters were based on default model